



CITY OF LOGAN, DIVISION OF POLICE

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On Tuesday, September 11, 2012 Chief Miller advised Lt. Cluley he wanted an investigation conducted into an incident that occurred over the weekend (09-08-12 to 09-09-12) at the Home Tavern (363 Gallagher Ave, Logan) with Josh Mowery, while off duty. The investigation was to be conducted to see if any criminal violation had taken place. Chief Miller provided Lt. Cluley with a list of employees from the Home Tavern, who had been working on the night in question and Noah and Michelle Straus.

On 09-11-12 at 316 p.m. Lt. Cluley spoke with Noah Straus (30yoa) at the Logan Police Department concerning the incident. Noah advised his wife (Michelle Straus) arrived at the Home Tavern around 10:15 ish. Noah said he walked up to the front bar and observed Michelle talking to Josh Mowery. Josh was off duty. Noah said somebody had mentioned earlier that Josh was in the bar, but had not seen him.

Noah advised "gosh" how drunk was he. I guess he was at a class reunion or something prior to coming to the Home Tavern. Noah said there was a little bad blood between them (Josh & Michelle). Noah advised Michelle was involved in an incident about two and a half years ago and Officer Mowery was the officer involved. So they were talking and he was a little apprehensive at first, didn't want anything to go wrong. Noah approached them and the tone-conversation was they were both adults, it's in the past, let's move on. I guess they were smoothing things over.

Noah said there was never an altercation between them. Lt. Cluley asked do you mean that night. Noah advised Michelle would drive into town, obeying the speed limit, using her turn signals, following all the rules. There have been a couple incidents when Officer Mowery (on duty) would tail her all the way thru town; things like that nature, not necessarily a huge deal, but to the point she felt like, why is this going on. Noah said reference to what the Chief said about the outcome was to make a record of it and for it to stop.

Noah said he walks over to Michelle and Josh. They are not arguing, yelling or no altercation. But at the same time he could tell Michelle, wanted to just get away. But he was not dropping the issue. Noah said he changed the subject to wrestling. Noah and Josh engage in a conversation about various other things. Josh made mention he goes to Japan twice a year. Noah said he didn't know that or if that was true or not. Noah asked Josh about Japan.

Noah said at random times during the conversation he brought up he had a .38 in his pocket and patted his front thigh area while making the comment "I would pull it out and shot anyone of these mother fuckers that would fuck with me". Noah told him that was stupid. Why are you even going there? Noah said he would be the first to grab him before he shot someone before you end up going to prison; you have two sons; you don't need to do that. He drops it and starts talking about hunting or something. Again he brought up, "I got a knife and I would gut anyone of these people if they try to screw with me or something". Making comments off the cuff, that Noah was trying to ignore.

Noah said they made their way to the corner of the bar. Josh was trying to talk to a couple of people. Trent Woodgeard was there and started talking to Noah. Noah said Josh is too drunk to be here, we need to get him out of here. Trent told Noah to babysit him and he would go find his cousin (Justin Garrett) so we can get him home. Noah said sure I've been taking to him for a few minutes so I will keep talking to him, no problem

Noah said he thinks he had three to four drinks the entire evening at that point. Noah said he turned around to the bar to order another beer. Josh tried to order a beer at the same time. Noah said the bartender could not understand him. The bartender said you need to go home, where not serving you no more. Noah said he did not know if that frustrated Josh or what, but Josh seemed to get frustrated at that point and started talking under his breath.

Trent comes back. Trent had given Josh Trent's cell phone at one point. Josh was going to show Noah some pictures of Japan. Josh was looking thru the phone for pictures but couldn't find the pictures. Josh puts the phone down and gets more frustrated. Josh turns around and starts talking to Maggie Burgess.

At this point Josh is completely incoherent; you couldn't understand him. Josh made another comment, "I'll cut somebody's neck or something". Maggie said Josh I don't understand you; why are you saying this; somebody is coming to take you home, calm down".

Noah said Josh didn't threaten her but jerked away from her. Josh then looks at Noah, and then grabs his hand, which was holding a glass mug of beer. Noah said Josh was like he was going to hit him with the glass. But Josh was completely drunk. He could barely stand up, let alone hit someone. Noah said he held onto the glass. Josh then tells Noah you and me lets go outside right now, I'll cut your throat, right now, blah, blah It was a complete 180(degree). One minute prior we're having a civil conversation and he was dropping these comments about people in general about the bar. Then like they didn't serve him; he couldn't find the pictures on the phone; Maggie couldn't understand what he was talking about. He got pissed off, I guess, so that turned to Noah. So when he tried to hit me, he tried to hit me with the glass or try to dump the beer on me or what. So, I kept a hold of his hand. The glass went up over my head and over the bar. Noah said he grabbed Josh's wrist. Josh had the glass and Noah took it out his hand and sat it on the bar. Noah kept a hold of his hand. Josh what are you doing, you out of your mind, you need to stop, this is ridiculous, knock it off. Noah said he held onto his arm until his cousin (Justin Garrett) and the bartender got there. Then they took him outside.

Noah believed this occurred around midnight but not sure on the time, because he was not looking at the clock.

Noah said as Josh was walking out he grabbed Michelle by the arm and made a comment. Noah said the only thing he heard was something about \$500.00. Michelle walks to Noah and tells Noah what Josh said, "I'm going to write you a \$500.00 ticket."

Noah said Josh was swaying; he can't put a complete sentence together at the time. His speech was slurred. When he ordered a drink his speech was incoherent. Josh stumbled and Noah had to catch him from falling. He could barely stand up.

Noah advised the incident occurred around the opening between the two bars, in the front. Noah advised he did not know if Josh was trying to hit him, because he was wobbling or if he was trying to do anything. Noah said Trent and Justin walked Josh outside.

Noah said later on Officer Byram and another officer on duty came into the bar. Noah advised he knows Officer Byram and told him about the situation. Noah advised he did not call the police or if the police were ever called.

At 3:44p.m. Lt. Cluley spoke with Michelle Straus (27yoa) at the police station. Michelle advised they went to the Home Tavern and she walked up to the front bar to order a drink. She said Mr. Mowery approached her and started rambling on about not having any bad blood between them. Michelle that's fine I don't have a problem with you now; its water under the bridge. Josh kept rambling on about me referring to him as a douche bag on Facebook. She told Josh she never stated it on Facebook, ever. Josh kept rambling on. Michelle said look I want nothing to do with you; I don't have to talk to you; it's all over with. Josh said that's fine.

Noah came over. She walked over to the bar and ordered her drink. That was the last time she talked to Mowery. Until Mowery was leaving he grabbed her wrist and said something about \$500.00. She does not know what that was about, no clue. He was just rambling. Then somebody escorted him out.

He was obviously intoxicated, slurred speech, falling over on people. Talking to people and calling them by the wrong name. She did not know how many drinks Josh had or recalls seeing him with a drink at the Tavern. She did not see anything with Noah and Josh. (end 3:51pm)

On 09-11-12 at 06:35 a.m. Lt. Cluley spoke with Justin Garrett at the police station. Justin advised he and Josh went to the Home Tavern around 10:30-11:00pm. Justin saw Josh drinking a Bud Light beer. Justin did not see any hitting, pushing between Noah and Josh or what was being said. Justin said he was outside and was returning back into the bar he was meet by Trent. Trent told Justin Josh needs to go home. Justin said he walked over towards Josh and he was standing in front of Noah, at the bar. When Justin got up there he could hear Josh talking about hunting, Japan and wrestling. Justin said he noticed Josh get mad about something. Justin said he walked between Josh and Noah and told Josh it was time to go. Justin, Trent and Josh walked out the front door. Justin drove Josh to his residence. Once there he woke up Laura and told Josh was drunk. Justin left and returned back to the Home Tavern bar. Justin said he returned back 12:00-12:30am he did not look at the time. Justin advised Officer Byram and Mellinger arrived at the bar and he spoke with them.

Lt. Cluley spoke with Amber Barney, employee at the Home Tavern bar. Amber advised she was working 09-08-12, but was attending the rear bar and did not witness anything in the front bar area.

Lt. Cluley spoke with Christina Patterson at the police station. Christina said Josh (Mowery) was pretty toasted. She did not know what Noah and Josh were arguing about, but saw Josh lunge forward towards Noah, spilling Noah's beer. She was waiting on a customer and the customer was soaked by the spilt beer. She said it didn't look like it was a big deal, no big conflict. The police were not called. She did not talk to Josh nor serve him. She did notice he was having trouble standing up. Another bartender, Jessica Bowlby, could not understand what Josh was trying to order and had to repeat it three times. She believes he may have been served twice in the bar and remembers he only took a sip of beer from one glass, which employees dumped out. She thought the time was 11:00-11:30pm when she told Andy to get Josh out of the bar. She advised there no issue with Josh and the bar.

Lt. Cluley spoke with Jessica Bowlby over the phone. Jessica advised Josh was inebriated, stumbling; talking to people that did not want to talk to him. He was obnoxious, just bothering people. He would lose his balance. They stopped serving Josh.

Lt. Cluley spoke with Andy Thomas over the phone. Andy advised he was working the side bar. Josh appeared to have been intoxicated. He was staggering, slurred speech. Andy said there was a verbal altercation with Josh and Noah Straus. He did not see anything physical between Josh and Noah. Andy did refuse to serve Josh drinks twice. Andy said he stepped in and Trent and Justin took Josh outside.

On 09-12-12 at 9:30 a.m. Lt. Cluley spoke with Trent Woodgeard over the phone. Trent advised he and his wife had attended his ten year school reunion held at the Brass Ring. It was over at 11:00p.m. Reunion members decided to go to the Home Tavern. Trent believed it was around 11:00 p.m. when they arrived. Trent said Josh Mowery was already at the Home Tavern. Trent advised he did not hang around with Josh, because he was talking with school mates he has not seen in ten years. Trent said Josh was intoxicated. Trent said he noticed Josh was talking to Noah Straus. Trent said about 10-15 minutes go by and Trent sees a beer go thru the air. Trent's wife comes to him and tells him to get Josh out of the bar. Trent went and got Justin and together they walked outside to Justin's vehicle. Justin took Josh home. Trent said he spoke with Andy, the bartender. Andy said Josh couldn't pronounce Yeinling and stopped serving him. Trent said he spoke with Noah Straus. Noah said Josh was trying to put a wrestling move on Noah and Noah did not want the move done on him. Trent advised he did not see any physical altercation with Noah and Josh, nor did he see any criminal violations at the time.

On 09-12-12 at 11:40a.m. Lt. Cluley spoke with Jalynn Parks over the phone. Jalynn advised she was at the Home Tavern on Saturday, September 8, 2012. Jalynn did observe Noah Straus and Josh Mowery talking. Jalynn advised she did not see any altercation between the two males. She was sitting away from their location. She did not witness any beer being tossed.

On 09-12-12 at 11:45 a.m. Lt. Cluley spoke with Maggie Burgess over the phone. Maggie advised she was at the Home Tavern that evening. She walked up to the bar and Noah and Josh were talking. Josh turned and started talking to her, but called her Megan. Maggie said Josh was talking about Japan and was going to show them some pictures of Japan. Josh reached for his phone in his pocket and then yelled Megan has my phone. Josh yelled, no. Josh turned to Noah and said something. Maggie said the only thing she heard was Josh say something about slitting somebody's throat. Josh grabbed the glass mug, Noah was holding and the beer spilt on Noah, Josh and Maggie. Maggie saw Justin (Garrett) come up and he and another guy, who works for the sheriff's office walked Josh out the front door. Maggie said it was hard to understand Josh when he was talking.

On Wednesday, 09-12-12 Lt. Cluley meets with the owner of the Home Tavern, Chuck Hopkins at the bar. Mr. Hopkins showed Lt. Cluley the video surveillance of the evening of 09-08-12. Only one camera view shows the incident. Lt. Cluley observed Josh Mowery talking to Michelle Straus. Michelle is seated in a bar chair with Josh standing next to the chair. Josh's appears to be under the influence while talking to Michelle. Another female comes over and takes Michelle away and they both disappear from camera view. Josh returns into camera view along with Noah Straus. You can see someone grab Noah's hand and the beer in the glass come flying out and onto another customer in the bar at 23:51hrs. Andy the bartender then comes over to the side bar and Justin Garret and Trent Woodgeard come into view. Trent and Justin walk Josh out the front door at 23:52hrs. Also in camera view you can see Josh grab Michelle's arm and lean into Michelle. Michelle and Noah stay in camera view as Josh exits the building.

On 09-12-12 at 1:39 p.m. Lt. Cluley speaks with Christine Woodgeard over the phone. Christine advised her and Trent, husband, enter the Home Tavern bar and see Josh Mowery, already there. Christine advised Josh appeared to be intoxicated. She speaks with him for a few seconds and goes to the side bar area. She observes Josh talking with Michelle at the bar. She see Josh and Noah Straus talking in the corner. Christine says she noticed a crowd gathering around Josh and then Andy the bartender comes to the side bar. She goes and gets Trent and tells him Josh needs to leave. Trent goes and helps Justin take Josh out the door. She did not see anything physical. She did not witness Josh drinking anything at the bar. She said Josh had slurred speech and stumbling. cc

Lt. Cluley